

AFFIRMATIVE DEFENSES

9. The Complaint fails to state a claim upon which relief can be granted.
10. Plaintiff fails to establish jurisdiction and assert whether this action is a core or non core proceeding.
11. Plaintiff is not the proper party to file an action attempting to determine the validity, priority or extent of debtor's judicial lien.
12. The Complaint is barred by the doctrines of waiver and estoppel.
13. The Complaint is barred by the doctrines of collateral estoppel, issue preclusion (estoppel by judgment) and claim preclusion (res judicata).
14. The Complaint is barred by the Rooker-Feldman doctrine wherein the bankruptcy court is precluded from reviewing the decisions of a state court and prevents a collateral attack on a lower court's judgment.
15. Laches.
16. Plaintiff failed to join an indispensable party pursuant to Fed. R. Civ. P. 19.
17. Defendant Lynch reserves the right to raise additional affirmative defenses.
18. Defendant Lynch does not consent to entry or final orders or judgment by the bankruptcy judge on non-core proceedings.

WHEREFORE, defendant Lynch prays that this Court dismiss the complaint.

Respectfully submitted,

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